

Before the Florida Judicial Qualifications Commission
State of Florida

Inquiry Concerning a Judge
No. 04-455, Judge John R. Sloop

Supreme Court of Florida
Case No.: SC05-555

PRETRIAL MEMORANDUM OF THE HONORABLE JOHN R. SLOOP

The Honorable John R. Sloop, by and through his undersigned attorney, files this pretrial memorandum in preparation for trial scheduled to commence March 28, 2006, before the hearing panel for the Florida Judicial Qualifications Commission. Judge Sloop presents to said panel the following information regarding the issues pending in the case at bar:

PARAGRAPH I OF THE FORMAL CHARGES

1. Judge Sloop is charged herein with issuing arrest warrants on December 3, 2004, for eleven (11) misdemeanor defendants who were required to be present in Judge Sloop's courtroom, but were mistakenly directed to an adjoining courtroom pursuant to the summons and/or the direction of the Court deputy sheriffs or bailiffs. Judge Sloop has admitted to this charge and further advises this panel that it was not until after the warrants had been issued at docket sounding and the Court was in recess and personnel had left, that Judge Sloop was then advised the defendants referenced above had been present in a different courtroom. Upon returning to the courthouse,

following recess and completion of in-jail arraignments (which began at 1:30 p.m.), Judge Sloop signed written orders for the eleven (11) defendants' immediate release ROR@ which the Clerk received at 2:22 and 2:23 p.m., and which were fax transmitted to the jail by 3:49 p.m. Judge Sloop ordered this immediate release prior to Chief Judge James E.C. Perry contacting Jail Director Diggs by telephone to order the release of those defendants.

Many of the defendants remained in jail for a number of hours following the receipt of the order by Judge Sloop. Judge Sloop was unaware that these persons had not been released immediately pursuant to his order for release.

PARAGRAPH II OF THE FORMAL CHARGES

2. Judge Sloop is charged herein with issuing bench warrants for the eleven (11) misdemeanor defendants referenced above. Judge Sloop admits to this charge; however, further advises this panel that during the week of November 29, 2004, Judge Sloop strayed from his fourteen year practice of issuing arrest warrants at the end of the docket after being advised that it was the normal practice of Seminole county judges to immediately issue arrest warrants, if there is no response, after each defendant's name was called.

PARAGRAPH III OF THE FORMAL CHARGES

3. Judge Sloop is charged in the cases of State v. Ramos, (Case No.: 04-2343-CFA) and State v. Jones, (Case No.: 04-8388-MMA), with failing to release the defendants therein. As a result thereof, the defendants were released pursuant to a writ of habeas corpus. Judge Sloop admits to this charge in regard to the matter of State v. Ramos. Judge Sloop further advises this panel that he required Defendant Ramos, accused with stabbing his pregnant girlfriend, to participate in electronic monitoring to protect the victim and was unaware after ordering his release on electronic monitoring that Defendant Ramos did not qualify for electronic monitoring. Defendant Ramos' attorney did not advise Judge Sloop that Defendant Ramos was unable to be released. After Defendant Ramos's case was assigned to the felony division he was released on his own recognizance by another judge.

Judge Sloop has no knowledge of, and has further not been presented with any evidence from Special Counsel for the Florida Judicial Qualifications Commission, that Defendant Jones, in State v. Jones, sought a writ of habeas corpus to obtain his release. Judge Sloop additionally is unaware that Defendant Jones was ever unlawfully detained in his Court. It is Judge Sloop's understanding that Special Counsel has agreed that the evidence herein is insufficient to go forward with a finding of

probable cause in this matter.

PARAGRAPH IV OF THE FORMAL CHARGES

4. Judge Sloop is charged herein in the case of State v. Mercano, (Case No. 94-12684 MMA), that his behavior to Defendant Mercano was not congruent with the rightful actions of a county court judge. Specifically that Judge Sloop was rude, abrupt, and abusive in his treatment of Defendant Mercano. Judge Sloop admits to the charges contained herein. Judge Sloop further advises this Court that on October 18, 2004, Defendant Mercano was before Judge Sloop for a sentence review hearing. Defendant Mercano had not provided the necessary funds to pay outstanding fines and court costs owed for over ten years. Although Judge Sloop did not impose any sanctions, including jail, for Defendant Mercano's refusal to comply with the Court's order, Judge Sloop was abrupt to Defendant Mercano in order to persuade Defendant Mercano to pay her outstanding debt. Defendant Mercano paid said debt on October 19, 2004.

MITIGATING FACTORS

5. Following the issuance of the Formal Charges herein, Judge Sloop sought professional counseling in order to determine the core of his behavioral problem. Dr. Heidi Napolitano, Psychiatrist, first evaluated Judge Sloop on February 11, 2005, following said evaluation Judge Sloop was diagnosed with Adult

Attention Deficit Hyperactivity Disorder. Dr. Napolitano's deposition regarding Judge Sloop's treatment and condition has been filed with the Florida Supreme Court. Dr. Napolitano's affidavit regarding Judge Sloop's diagnosis and treatment is attached hereto and incorporated herein as Exhibit "A". Dr. Napolitano's deposition taken September 22, 2005, regarding Judge Sloop's diagnosis and treatment is attached hereto and incorporated herein as Exhibit "B". Judge Sloop shall continue to administer medication daily to treat this condition and shall attend regular counseling sessions with Dr. Napolitano.

6. In addition to receiving treatment from Dr. Napolitano, Judge Sloop attends regular counseling sessions with Dr. Daniel Tressler, Psychologist, for anger management counseling as well as counseling for Adult Attention Deficit Hyperactivity Disorder. Attached hereto and incorporated herein as Exhibits "C" and "D" are letters from Dr. Tressler detailing said treatment. Dr. Tressler's vitae is attached hereto and incorporated herein as Exhibit "E". Judge Sloop shall continue to attend these counseling sessions with Dr. Tressler as needed.

7. Judge Sloop has further been evaluated by Dr. Deborah Day, psychologist for the Florida Judicial Qualifications Commission. Dr. Day's report supports the findings of Dr.

Tressler and Dr. Napolitano.

PROPOSED PENALTY

8. In lieu of Judge Sloop's removal from the bench, Judge Sloop would propose the following penalties:

A. Thirty (30) day suspension as a sitting Seminole County Judge, for the Eighteenth Judicial Circuit, without receipt of wages for that time period.

1. Twenty-nine (29) days of suspension to be served immediately upon approval of any report and recommendation by the Florida Supreme Court.

2. One (1) day suspension pursuant to Florida Statute §34.021(2), to commence at 12:01 a.m. on May 3, 2010, the first day of qualifying for re-election in the year 2010, and to end at 12:00 a.m. on May 4, 2010.

B. A fine in the amount of \$10,500.00, tailored to the cost of another county or senior court judge presiding during the time of Judge Sloop's suspension. This cost is calculated at the rate of \$350.00 per day multiplied by thirty (30) days.

C. A public reprimand to be administered by the Florida Supreme Court.

D. Continued treatment of Adult Attention Deficit

Hyperactivity Disorder through administration of medication and counseling.

E. Within thirty (30) days of the entry of the report and recommendation by the Florida Supreme Court, Judge Sloop shall submit letters of apology to each of the eleven (11) misdemeanor defendants who were incarcerated by him on the 3rd day of December, 2004, as reflected in paragraph one (1) of the Formal Charges.

WITNESSES FOR TRIAL

9. Judge Sloop expects to call as witnesses for trial:

A. The Honorable John R. Sloop

Judge Sloop shall testify as to all matters brought forward during his deposition of September 23, 2005, as well as all matters established within the Amended Notice of Formal Charges and responses thereto.

B. Dr. Heidi Napolitano

Dr. Napolitano will testify to the fact that after careful evaluation of Judge Sloop he has been diagnosed Adult Attention Deficit Hyperactivity Disorder. Dr. Napolitano will further testify that this disorder was the root of Judge Sloop's behavioral problems. These

problems however have been corrected through medication and counseling.

C. Dr. Daniel Tressler

Dr. Daniel Tressler will testify that Judge Sloop continues to undergo counseling for Adult Attention Deficit Hyperactivity Disorder. This counseling has and will allow Judge Sloop to handle all matters on and off the bench showing dignity and respect to all individuals before him.

CHARACTER WITNESSES

10. Judge Sloop intends to call the following character witnesses at trial to testify on behalf of Judge Sloop:

- A. Judge Clayton Simmons, 301 N. Park Ave, Sanford, FL 32771, (407) 665-4048;
- B. Rutledge M. Bradford, Esq., 5210 S. Orange Ave, Orlando, FL 32809, (407) 926-8710 ext 106;
- C. Robert Gustafson, 1036 Catfish Creek Court, Oviedo, FL 32765, (407) 697-6429.

AFFIDAVITS AND LETTERS

11. Included with this Pre-trial Memorandum are affidavits and letters from many within the community in support of Judge Sloop:

- A. Judge James E.C. Perry, Former Chief Judge of the Eighteenth Judicial Circuit;
- B. Samuel Filler, Esquire, Letter to the Editor of the Orlando Sentinel;
- C. Bentley Patterson, Member of Attention Deficit Disorder Association;
- D. Luz Celeste Herdeman, Trial Clerk of the Seminole County Courthouse;
- E. Sergeant Mark DiBona, Seminole County Sheriff's Office;
- F. Rebecca Wilkinson, Deputy Clerk of the Seminole County Sheriff's Office;
- G. Charmaine Hannar, Deputy Clerk of the Seminole County Courthouse;
- H. Orra Taylor, Deputy Clerk of the Seminole County Courthouse
- I. Sybil D'Souza, Affidavit in support thereof;
- J. Cassa Robertson, Seminole County Court Coordinator/Court Program Specialist;
- K. Debra Christian, Trial Clerk of the Seminole County Courthouse;
- L. Tina Wisniewski, Trial Clerk of the Seminole County Courthouse;

- M. Collette M. Colegrove, Judicial Assistant to Judge John R. Sloop;
- N. Jerry Bergman, Letter of appreciation;
- O. Linda Fairfield, President of William Howard Jewelers, Letter of appreciation;
- P. Jack Cash, Letter of appreciation;
- Q. Chris Allard, Letter of appreciation;
- R. Sue E. Bridwell, CFO of Beta Center, Letter of appreciation;
- S. Ralph Miller, Letter of appreciation;
- T. Olly Csisko, Deputy Sheriff of the Seminole County Sheriff's Office;
- U. Lori Wheeler, Esquire, Member of the Seminole County Bar;
- V. Rutledge M. Bradford, Esquire, Member of the Seminole County Bar;
- W. Richard A. Colegrove, Jr., Esquire, Member of the Seminole County Bar Association;
- X. Richard O. Hale, IV, Esquire, Member of the Seminole County Bar Association;
- Y. Kevin B. Weiss, Esquire, Member of the Seminole County Bar Association;
- Z. Amanda Gifford, Esquire, Member of the Seminole County

Bar Association;

AA. Peter P. Hagood, Esquire, Member of the Seminole County Bar Association;

BB. Mark A. Nation, Esquire, Member of the Seminole County Bar Association;

CC. Kimberly Driggers, Esquire, Member of the Seminole County Bar Association;

DD. Deborah Boyle, Affidavit in support thereof;

EE. Catherine and Ramon Santos, Letter in support thereof;

FF. Clinton Smith, Affidavit in support thereof;

GG. Leonard Frazier, Letter in support thereof;

HH. Stafford Cambre, Affidavit in support thereof;

II. Claud B. Nelson, Letter in support thereof; and,

JJ. Rauleal, Letter in support thereof.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this document has been delivered by Regular US Mail to Lauri Waldman Ross, Esquire, *Lauri Waldman Ross, P.A.*, Two Datran Center, Suite 1612, 9130 South Dadeland Blvd., Miami, Florida 33156-7818, (305) 670-2305 (facsimile), Special Counsel for the Florida Judicial Qualifications Commission; Thomas C. MacDonald, Jr., Esq., 1904 Holly Lane, Tampa, Florida 33629, (813)258-6265

(facsimile), General Counsel for the Florida Judicial Qualifications Commission; The Honorable Thomas C. Freeman, Chair, Hearing Panel, 1110 Thomasville Road, Tallahassee, FL 32303, (850)922-6781 (facsimile); Brooke Kennerly, Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; John R. Beranek, Esq., Counsel, Hearing Panel, Ausley & McMullen, 227 South Calhoun Street, Tallahassee, FL 32301, (850)222-7560 (facsimile), on this 22nd day of March, 2006, by Federal Express Mail.

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